

REMARKS/ARGUMENTS

Claims 1-23 currently remain in the application. The preamble of claims 1-9 and 20-23 has been amended to clarify the present invention. Applicant respectfully requests reconsideration in view of the preceding amendments and following remarks.

In the Claims

The claim preamble for claims 1-9 and 20-23 has been amended to recite the aspect of the invention that was and is intended to be claimed by the pending claims. Claims 1 and 22 for example now recite a network device for transmitting a bitstream, and avoid confusion with a generic network that includes a network device. Thus, the claims have been amended to recite a network device comprising the elements provided in the claims such as the first communication interface, processing apparatus and second communication interface. No new matter has been added. Support for the amendments can be found throughout the Specification, and in particular on 4:20 to 8:22 and 13:18 to 15:18 (page:line).

Rejection under 35 U.S.C. § 102

The Examiner rejected claims 1-7, 9-14 and 17-21 under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,640,388 to Woodhead et al. (referred to herein as 'Woodhead'). Applicants respectfully traverse.

Independent claim 1 has been amended and now recites a network device comprising the first communication interface, processing apparatus and second communication interface as recited. Woodhead does not teach such a network device.

To reject the claims, the Office Action selected and bandaged together disparate parts of Woodhead's network. For example, elements used in rejecting independent claim 1 were taken from Figures 1, 4 and 5 of Woodhead. First, Woodhead does not teach combining Figure 1 with Figures 4 and 5 – and nor would he considering that Figure 1 is Prior Art and problematic according to his own teachings (see 6:14-22). In addition, Figure 1 is part of an encoder; Figure 4 shows a high level system that includes a network, encoders and decoders; and Figure 5 is a de jitter device included in the system of Figure 4. These Figures, or their parts, cannot be readily combined to teach a single device – such as the claimed network device.

Woodhead describes a system where jitter is introduced during transmission in a network. The transmission site 110 of Woodhead then removes any jitter.

The transmission site 110 of Woodhead is conceptually opposite to the network device as recited. The network device as recited introduces jitter and transmits the data including jitter from a communication interface included in the network device. Quite oppositely, Woodhead's intermediate transmission site 110 removes jitter (so decoder 114 does not have to handle any jitter). The transmission site 110 of Woodhead can thus not be used to anticipate the claimed invention.

Independent claim 1 also recites a network device that includes "a processing apparatus configured to a) process the data in the bitstream portion in a manner that introduces jitter in the data and b) create a timestamp including timing information that describes the timing relationship of the data as the data was received". Thus, the processing apparatus included in the network device is configured to do both a) and b). Woodhead does not teach such a processing apparatus. In contrast, the Office Action on pages 2-3 uses a mux (that is not shown in Woodhead) in the network 112 to anticipate a), and the prior art definition of a timestamp to teach b). Woodhead thus does not teach a processing apparatus in a network device configured to do both a) and b) as recited.

Amended independent claims 9, 20 and 22 include similar limitations to amended independent claim 1 and are patentable for at least the reasons described above.

Therefore, Applicants respectfully submits that Woodhead does not teach or suggest independent claims 1, 9, 20 and 22, and that the independent claims are allowable.

Claims 2-7 and 10-14, 17-19, 21 and 23 each depend either directly or indirectly from independent claims 1, 9, 20 and 22 and are patentable over the art of record for at least the reasons set forth above with respect to the independent claims.

Withdrawal of the rejection of under 35 U.S.C. § 102(b) is therefore respectfully requested.

Rejection under 35 U.S.C. § 103

The Examiner rejected claims 8, 15 and 16 under 35 U.S.C. 103(a) as being unpatentable over Woodhead in view of US Patent No. 6,323,789 to Lawrence et al. (referred to herein as 'Lawrence').

Applicants contest the use of Woodhead in any obviousness-type rejection of the present invention. Woodhead teaches against the present invention. At a high level, Woodhead eliminates jitter at a transmission site. The present invention introduces jitter at a network device. Studying Woodhead provides numerous instances that teach against the desirability to transmit data with jitter and against a network device and methods of the present invention. A reference must be taken in its entirety, including those portions that teach away from the claims and argue against obviousness (MPEP 2141.02). Woodhead cannot be extended as obvious to reject a jitter creating network device and methods when the goal of his invention is clearly jitter elimination.

In addition, claims 8, 15 and 16 each depend either directly or indirectly from independent claims 1 and 9 and are patentable over the art of record for at least the reasons set forth above with respect to the independent claims.

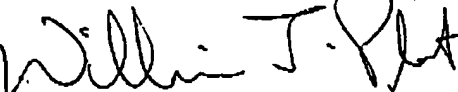
Withdrawal of the rejection of under 35 U.S.C. § 103(a) is therefore respectfully requested.

Applicants believe that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Applicants hereby petition for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Response is to be charged to Deposit Account No. 50-0388 (Order No. CISC210).

Respectfully submitted,

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Limited Recognition under 37 C.F.R. § 11.9(b)

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